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5 **UNITED STATES DISTRICT COURT**
6 **SOUTHERN DISTRICT OF CALIFORNIA**
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8 **UNITED STATES OF AMERICA,**

9 Plaintiff,

10 v.

11 **ISRAEL ORNELAS,**

12 Defendant.

Case No. 17-cv-2410-JAH; 13-cr-3313-JAH

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14 **ORDER DENYING MOTION FOR**
15 **RECONSIDERATION; FINDING**
16 **WAIVER OF THE ATTORNEY**
17 **CLIENT PRIVILEGE; CONTINUING**
18 **DATE FOR UNITED STATES'**
19 **RESPONSE TO DEFENDANT'S**
20 **MOTION TO VACATE JUDGMENT**
21 **PURSUANT TO 18 U.S.C. § 2255**

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23 Upon motion of the UNITED STATES OF AMERICA and good cause appearing
24 therefore,

25 IT IS HEREBY ORDERED that pursuant to Fed. R. Evid. 502(a) by filing a
26 declaration disclosing the communications with former counsel Marc Geller, and his
associate at the time Sammer Zakhour, in support of his motion Motion to Vacate Judgment
Pursuant to 18 U.S.C. § 2255 (Dk. No. 263 in 13-cr-3313-JAH, Dk. No. 1 in 17-cv-2410-
JAH) (Defendant's Motion), Defendant has waived the attorney client privilege between he
and Mr. Geller and Mr. Zakhour on the subject matter of plea negotiations and sentencing
as set forth in defendant's declaration. Defendant's motion for reconsideration of the
Court's order finding waiver is **DENIED**.

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1 IT IS FURTHER ORDERED that the United States deadline to respond to
2 Defendant's Motion shall be continued from February 4, 2019, to **March 22, 2019**, to allow
3 the Government counsel time to complete its interview of Mr. Geller and Mr. Zakhour and
4 to incorporate such information into its response to Defendant's Motion.

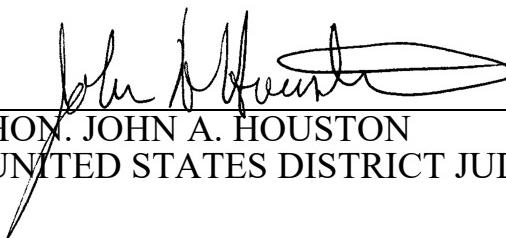
5 IT IS FURTHER ORDERED Petitioner may file a reply no later than **April 12, 2019**.

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7 DATED: January 28, 2019

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HON. JOHN A. HOUSTON
UNITED STATES DISTRICT JUDGE

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